

Remarks and Arguments

Prior to this amendment, claims 1-3, 7-8, 12-15, 17-21, 23-24, 26-30 and 32-35 were pending. Applicant has amended independent claim 1. No claims have been canceled.

Claims 25 and 35 were found allowable.

The remaining claims were rejected as anticipated by or obvious over Porter U.S. Patent 6,758,672.

Summary of Telephone Interview and Proposed Amendments

On 19 November 2008, the undersigned attorney contacted Examiner Lewis with a proposed claim amendment and summary of distinguishing features of the amended claims over the cited reference Porter. The Examiner graciously reviewed the proposed amendment on short notice and in a subsequent telephone conference on 20 November 2008, the Examiner indicated that the proposed amendment would distinguish Porter and he would enter the amendment after final.

Applicant thus submits this amendment with the claims presented in the proposed amendment and faxed to the Examiner on 19 November 2008 (copy enclosed). As set forth at the end of the proposed amendment, the primary reference, Porter U.S. 6,758,672, fails to teach each of the following claim elements:

- the head part having “at its upper end at least one reference form”;
- a substantially cylindrical head part having “between the reference form and the threaded stem, a plurality of non-cylindrical gripping surfaces”;
- the reference form “comprising a semicylindrical outer circumferential surface of a semi-cylinder extending parallel to the screw axis of the extension piece and a substantially diagonally cut reference surface”; and
- wherein a bevel is provided “between” the reference surface and the semi-cylindrical outer circumferential surface.

In regard to the Examiner's prior rejection of certain dependent claims as obvious over the combination of Porter and Gittleman U.S. 6,508,650, these claims all depend from now amended claim 1 which is believed to patently distinguish over Porter for the reasons stated above. While it is believed that this amendment similarly overcomes the obviousness rejection, to the extent necessary applicant relies on the arguments set forth in its prior response of 5 May 2008 (see pages 9-12). As stated therein, the secondary reference Gittleman teaches use of an impression post 65 which is obviously different from applicant's claimed extension piece (as acknowledged by the Examiner). Further, Gittleman teaches the opposite of Porter, namely reinserting a transfer post, which prior to taking the impression was fixed to the implant, into the impression material. In contrast, Porter positions an analog in the impression material, not the original extension piece. Thus, it is not apparent how or why the skilled person would combine the references. Further, even if combined Gittleman does not cure the deficiencies of Porter.

Reconsideration and allowance is respectively requested.

RECONSIDERATION

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient; this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted,

/Therese A. Hendricks/

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